



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 30, 1939

Honorable Murphy Cole
County Auditor, Liberty County
Liberty, Texas

Dear Sir:

Opinion No. 0-861
Re: Disposition of unclaimed funds due defen-
dants but held in registry of court.

Your request for an opinion from this department as con-
tained in your letter of May 22 reads as follows:

"In the case of A. W. Dycus et al v. J. H. Anderson
et al, No. 5444, in the District Court of Liberty County,
Texas, on the 10th day of March, 1919, the plaintiffs
paid to the District Clerk the sum of \$62.75, which was
deposited by him in the registry of the Court; the money
was to be paid to the defendants, but up to this time,
neither of them have ever called on the Clerk for this
money, and the Clerk now wants to know what he should do
with same -- he thinks that it should be sent to the
State Treasurer, but I would like for you to write me
fully in regards to this matter."

It appears that the \$62.75 mentioned in your letter, was paid
into the registry of the District Court pursuant to an order from
said court. The District Clerk holds said money as a trust fund for
the benefit of the named defendants entitled thereto. The money
does not belong to the state, therefore the Clerk would have no
authority to pay or transmit such funds to the State Treasurer.

It is, therefore, the opinion of this department that trust
funds in the hands of the District Clerk belonging to private parties
should be placed in the depository, if any, and held in trust for
the parties entitled thereto

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (signed)
William J. R. King
Assistant

WmK:FL

APPROVED:

Gerald C. Mann (signed)

ATTORNEY GENERAL OF TEXAS

(Stamped:) Approved
Opinion Committee
By: H.Q.B., Chairman

MENTAL OPINION UNLESS APPROVED BY THE ATTORNEY GENERAL OR FIRST ASSISTANT